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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,099	03/06/2002	Mark Y. Zhan	1095-1067.2	9758

7590

04/14/2003

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EXAMINER

GORDON, STEPHEN T

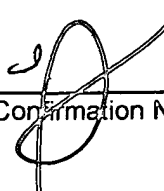
ART UNIT

PAPER NUMBER

3612

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application 10/092,099	Applicant(s) Zhan et al	
	Examiner S. Gordon	Art Unit 3612	Confirmation No. 

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- ☒ Responsive to communication(s) filed on 3-11-03
- ☐ This action is FINAL. ☒ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

- ☒ Claim(s) 10-19 is/are pending in this application.  
Of the above claim(s) 10-12 + 17-19 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 13-16 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).  
☐ All ☐ Some\* ☐ None of the:  
☐ Certified copies of the priority documents have been received.  
☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received: \_\_\_\_\_
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Art Unit: 3612

### DETAILED ACTION

1. Claim 10-12 and 17-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention. Applicant timely traversed the restriction (election) requirement in Paper No. 4.

2. Applicant's election with traverse of group II and the species of figures 1+ in Paper No. 4 is acknowledged. The traversal is on the ground(s) that all of the elected group read on the various species and that the use analogies included in the prior action are not applicable. The examiner agrees that all of the elected group II claims read on the elected species. However, regarding the restriction requirement, applicant's remarks are not found persuasive. It is not completely clear why applicant believes such analogies are improper as applicant has merely stated that simply that they are considered "not applicable". It should be reiterated that the identified groups define potentially patentably distinct inventions which are separately classifiable as detailed in the last office action. The compared subcombination claims positively recite assemblies which are usable as a boat anchor and/or a static warehouse shelf anchor. The fact that an intended use statement is included in the preamble does not preclude such a reading as the intended use per se in this case is given little patentable weight for purposes of restriction.

The requirement is still deemed proper and is therefore made FINAL.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: web 30 (page 5 etc.),

Art Unit: 3612

turn 64 (page 6), and curve 166 (page 8). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The disclosure is objected to because of the following informalities: on page 9 - lines 1-3 are generally awkward and confusing. Additionally, reference to the relied upon parent application (and issued patent therefrom) should be included at the beginning of page 1 of the instant specification.

Appropriate correction is required.

5. Claims 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 13, "the end strap" in line 5 lacks clear antecedent basis and should apparently be --the strap--.

Re claim 14, the recited clip, ring and half oval ring apparently constitute double inclusions of the clip, ring, and half ring respectively recited in the base claim. In other words, it is not clear if/how these elements relate to the previously recited such elements of the base claim.

Additionally, "the various parts of the strap threaded thereon" lacks clear antecedent support.

Finally, "tensile member" of the preamble should be --strap shortening device-- for consistency.

Re claim 15, "strap" of the preamble should be --strap shortening device-- for consistency.

Additionally, "said clip" of line 2 lacks clear antecedent basis as clips per se are recited in both the

Art Unit: 3612

base claim and intervening claim 14. Note also a similar confusing term in the last line of the claim. Line 4 is slightly confusing, and --said-- could be inserted after "on" to correct the line in this regard as best understood. The term "the load" in line 5 lacks clear antecedent basis and should apparently be --the cargo--.

Re claim 16, "strap" of the preamble should be --strap shortening device-- for consistency.

Additionally, "said clip" and "said ring" of the last line each lack clear antecedent basis as clips and rings per se are recited in both the base claim and intervening claim 14. Finally, the last two lines in general are awkward and confusing and not understood.

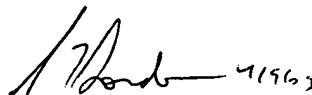
6. Claims 13-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least First teaches a cargo strapping assembly.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556.

stg

April 9, 2003

  
STEPHEN T. GORDON  
PRIMARY EXAMINER